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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,641	02/11/2004	Les T. Dooley		1312

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment

1. The amendment to the claims filed on 4/12/2007 does not comply with the requirements of 37 CFR 1.121(c).

Amendments to the claims filed on or after July 30, 2003 must comply with new 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

2. Applicant has amended the claims relative the 6/14/2004 claimset about which the Office of Initial Patent Examination had objected to on 7/6/2004. Applicant submitted a compliant claimset acceptable to the Office of Initial Patent Examination which was received on 7/16/2004. The official claimset at this time is the 7/16/2004 claimset. Applicant submitted his claimset received 4/12/2007 marked up relative to the 6/14/2004 claimset. Applicant needs mark his claimset up relative the official claimset. Applicant’s amendment of 4/12/2007 was performed using the proper technique for amending claims (but on the wrong claimset) and would have been compliant if the markup technique were implemented with markups relative the correct current 7/16/2004 claimset.

3. For applicant’s benefit and quick reference, the example given previously on how to amend claims is reiterated below.

For each iteration, on each claim:
Additional

4. For each iteration, on each claim:
Additional elements added need have the text underlined.
Elements deleted need have the text struck through.
The claim needs have the status identifier in parenthesis, such as (currently amended) , (original) , (cancelled).

By way of example, I have shown an amendment made 7/20/2006 that was made in application 10/872005 now patent 7175046 issued 2/13/07.

LIST OF CLAIMS:

Claim 1. (Currently Amended) A merchandise output device of a vending machine comprising:

a machine body;

a groove body in the machine body; a bottom of the groove body having an outlet for outputting a merchandise; a lower side of the outlet being connected to a transfer tube to an opening at a bottom of the machine body;

a rotary disk installed in the groove body and having a plurality of receiving holes for receiving the merchandises; the rotary disk being rotatable in the groove body by the driving of a motor;

a guide plate installed above the rotary disk and the guide plate being an integral structure, the guide plate being an approximate right-angled triangular plate; the guide plate being obliquely installed above the rotary disk corresponding to the upper side of the outlet at the bottom of the groove body; a first ~~right-angle~~ side of the guide plate being obliquely installed to a first wall of the groove body, wherein the first side being a side adjacent to a right angle of the right-angled triangular plate; a first apex between the first ~~right-angle~~ side and the hypotenuse being placed near an upper side of the rotary disk; ~~a the second right-angle~~ side being horizontally installed to a second wall of the groove body adjacent to the first wall of the groove body, wherein the second side being another side adjacent to the right angle of the right-angled triangular plate; a second apex between the second ~~right-angle~~ side and the hypotenuse being placed higher than the first apex;

wherein the hypotenuse of the guide plate is formed as a concave cambered edge; and

wherein a plurality of ribs are formed on an upper side of the guide plate.

Claim 2 (Cancelled)

Conclusion

5. Since the preliminary amendment filed on 3/27/2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEB
7/6/07


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SUPERVISORY PATENT EXAMINER
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